

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Mary J. Sarvino,

Plaintiff,

v.

Case No. 2:16-cv-792

Commissioner of  
Social Security,

Defendant.

ORDER

This matter is before the court for consideration of the April 7, 2017, report and recommendation of the United States magistrate judge to whom this case was referred pursuant to 28 U.S.C. §636(b). The magistrate judge recommended that the case be remanded to the Commissioner pursuant to 42 U.S.C. §405(g), sentence four, for further proceedings. The magistrate judge concluded that further consideration of the opinions of Drs. Rowland and Whatley was warranted, particularly as to the issues of consistency and speciality in a related field, and that additional analysis of the testimony of the vocational expert was needed concerning whether there are a significant number of jobs in the economy that plaintiff can perform.

The report and recommendation specifically advised the parties that failure to object to the report and recommendation within fourteen days of the report "will result in a waiver of the right to have the district judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation." Doc. 21, p. 15. The time period for filing

objections to the report and recommendation has expired, and no party has objected to the report and recommendation.

The court adopts the report and recommendation of the magistrate judge (Doc. 21). The decision of the Commissioner is reversed, and this case is remanded to the Commissioner pursuant to §405(g), sentence four, for further proceedings in accordance with the report and recommendation. The clerk shall enter judgment remanding this case to the Commissioner.

Date: May 10, 2017

s/James L. Graham

James L. Graham  
United States District Judge